

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. WRU-01-38-156
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**ORDER GRANTING LIMITED WAIVER**

(Issued August 6, 2001)

On July 19, 2001, MidAmerican Energy Company (MidAmerican) filed a request with the Utilities Board (Board) to waive the portion of 199 IAC 19.4(10)"c" and 20.4(11)"c" that requires the final payment of a second payment agreement be made by the 15th day of the next October. MidAmerican indicates that the request is limited to this year and requests to extend the second payment agreements to December 15, 2001. This request was identified as Docket No. WRU-01-38-156. MidAmerican indicates that the exceptional price spikes from last winter has caused many customers problems with paying their heating bills, and although the problems arose because of natural gas prices, many customers have combined gas and electric bills and so both subrules will need to be waived.

To waive one of its rules, the Board must find based upon clear and convincing evidence that the four criteria in 199 IAC 1.3 are met. Those criteria are: 1) that the application of the rule would pose an undue hardship, 2) that the waiver would not prejudice the substantial legal rights of any person, 3) that the provisions

waived are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded after the waiver.

The Board has considered the waiver request described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing. To apply the October 15th day to those attempting to make payments for last winter's extraordinary heating bills would be an undue hardship. No person will have their substantial legal rights affected by this waiver and the rule waived is not specifically mandated by statute. Finally, there will be no effect on the equal protection of public health, safety, and welfare by the granting of the waiver.

**IT IS THEREFORE ORDERED:**

The limited waiver request filed by MidAmerican Energy Company on July 19, 2001, is granted.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Acting Executive Secretary

Dated at Des Moines, Iowa, this 6<sup>th</sup> day of August, 2001.